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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,896	11/02/2000	Richard Hayton	CTX-061(1545/109)	4523
959	7590	06/28/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,896

Applicant(s)

HAYTON ET AL.

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-15,17 and 18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-11,13-15,17 and 18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/12/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to Amendment A filed 07/09/2004, with original filing date 11/02/2000.
2. Claims 1, 3-11, 13-15, 17 and 18 are pending. Applicant's amended independent claims 1, 11 and 15, also Applicant's amended dependent claim 3-10, 13-14, 17-18 and cancelled claims 2, 12 and 16.

Response to Arguments

3. Applicant's arguments with respect to claim 1-14 and 16-18 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Independent claims 1, 11 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al US005983227A - filed 06/12/1997 (hereinafter Nazem), in view of Jeyaraman US Patent No. 6,311,187 B1 - filed 12/29/1998 (hereinafter Jeyaraman).

In regard to independent claim 1, (a) receiving, at the client, a transmitted page comprising a plurality of dynamic portion (Nazem at col. 5, line 50 through col. 6, line 21, discloses dynamic page generator, wherein the user front page returned by page server includes plurality of elements which are build according to a user template and live data, i.e. a user template are specific module that is customize and reusable set by user such as, stock quote module weather module, news module and so on. live data illustrating in Fig. 5, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user), **(b) displaying the transmitted page on the client** (as taught by Nazem at col. 1, line 65 through col. 2, line 5), **(d) incorporating, by the client, modified version of one of the dynamic portions into the transmitted page displayed on the client responsive to the modification list** (Nazem at col. 5, line 50 through col. 6, line 21, discloses dynamic page generator, wherein the user front page returned by page server includes plurality of elements which are build according to a user template and live data, i.e. a user template are specific module that is customize and reusable set by user such as, stock quote module weather module, news module and so on. live data illustrating in Fig. 5, wherein the live data being stored in a shared memory and intelligently flushed the older cache and regenerate for displaying the most recent information to the appropriate portion and/or module with correct time and date for particular user),

Nazem does not explicitly teach, **(c) receiving by client, a modified version of one of the dynamic portion of the page by an identifier specifying one of the plurality of the dynamic portions into the transmitted page to be replaced by the modified version of one of**

the dynamic portions, however (Jeyaraman at col. 2, lines 5-25, discloses a system and method of propagating updates efficiently in hierarchically structured data under a push model to client comprising: (1) determining differences between the current version of the data at the server and an older copy of the data at the client, which the server has stored locally; (2) using the differences to construct an update for the copy of the data, which may include node insertion and node deletion operations for hierarchically organized nodes in the data; and (3) sending the update to the client where the update is applied to the copy of the data to produce an updated copy of the data. According to one aspect of the present invention, the act of determining differences, and the act of using the differences to construct the update both take place during a single pass through the data. Further more the update for the copy of the data may include node copy, node move, node collapse, node split, node swap and node update operations).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Nazem, provides dynamically generating content of a web document, to include a means of propagating updates efficiently in hierarchically structured data under a push model of Jeyaraman. One of the ordinary skills in the art would have been motivated to perform such a modification to provide the efficient method to simply send the changes to data instead of sending a complete copy of the data (as taught by Jeyaraman at col. 1, lines 45-50).

In regard to independent claim 11, incorporate substantially similar subject matter as cited in claim 1 and is similarly rejected along the same rationale.

In regard to independent claim 15, incorporate substantially similar subject matter as cited in claim 1 and further of the following and is similarly rejected along the same rationale, an

external page code source (Nazem at col. 1, line 60 through col. 2, line 25, discloses a custom page server, i.e. custom page server is reasonably equivalent to the claimed invention such as external page code source, external page code source).

6. **Dependent claims 3-10, 13-14, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nazem et al US005983227A - filed 06/12/1997 (hereinafter Nazem), in view of Jeyaraman US Patent No. 6,311,187 B1 - filed 12/29/1998 (hereinafter Jeyaraman).

In regard to dependent claim 3, incorporate substantially similar subject matter as cited in claims 1 and 15 and is similarly rejected along the same rationale.

In regard to dependent claims 4-6 and 9-10, incorporate substantially similar subject matter as cited in claim 1 and is similarly rejected along the same rationale.

In regard to dependent claim 7, incorporate substantially similar subject matter as cited in claim 1 and further in view of the following and is similarly rejected along the same rationale, **saving the first portion in the storage buffer** (Nazem at col. 3, lines 59-65, discloses a share memory for storing live data, i.e. first portion).

In regard to dependent claim 8, incorporate substantially similar subject matter as cited in claim 1 and is similarly rejected along the same rationale.

In regard to dependent claims 13, incorporate substantially similar subject matter as cited in claims 1 and 15 and is similarly rejected along the same rationale.

In regard to dependent claims 14 and 17-18, incorporate substantially similar subject matter as cited in claims 1, 7 and 15 and is similarly rejected along the same rationale.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) -272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
June 26, 2005

William J. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
6/26/2005